

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hidayasu Yamabe

Serial No. : 10/674,968 Confirmation No. 5877

RESPONSE TO OFFICE ACTION - Remarks

Claim Objections

In the Office Action mailed May 19, 2004, the Examiner has objected to claims 3-6 under 37 C.F.R. 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant herein cancels claims 3-6.

Claim Rejections - 35 USC § 102

The Examiner rejects claims 1, 2, and 9 under 35 U.S.C. 102(b) as being anticipated by Kuchta, U.S. Patent No. 1,610,016. The Examiner states that Kuchta discloses a folding bicycle which comprises all the elements claimed in applicant's claims.

Applicant herein amends claims 1 and 2, cancels claims 3-7 and adds claim 11. Claim 1 is amended to more clearly define the invention; claim 2 is amended in response to the amendments of claim 1. Support for new claim 11 can be found in paragraph [00044]. No new matter has been added.

Applicant respectfully traverses this rejection. According to Kuchta, as shown in Fig. 1, the bicycle cannot be folded unless either one of the two of the bars 18, 19 and the post 23 are disconnected from the bar 13. In Fig. 1, the lower ends of the bar 18 and post 23 are disconnected. The bar 19 is pivotally supported at both upper and lower ends.

Thus, in Kuchta, folding and assembling of the bicycle is complex, requiring removal of wing nuts and disconnection of pieces of the bicycle. In contrast, according to the present invention, as claimed in amended claim 1, the stay 20 and saddle post 16 are pivotally supported each at the lower end thereof on the main frame, so that each of them can be readily folded with ease; neither piece needs be detached or removed prior to folding the bicycle. In addition, the present invention allows the bicycle to be folded more compactly than Kuchta.

Also, in Kuchta, the bar 18, bar 19 and post 23 are each comprised of two plates. Contrary to this, applicant claims that the stay 20 and saddle post 16 of the present invention are each made of a single rod. Further in Kuchta, as shown in Fig. 4, a steering post 12 is pivotally supported at the front end of the bar 13. Contrary to this, according to the present invention, as claimed in claim 1 (“said handle shaft being insertable into ... the head pipe”), and as stated in the specification, the head pipe 3 is fixed to the front end of the main frame 2, and the handle shaft 5 is inserted in and supported by this head pipe 3. Moreover, the crank gear of Kuchta is nearly underneath the pivot point for the saddle post, and not “between the pivotal-support portion of the saddle post and the pivotal-support portion of the stay” as claimed by applicant. Thus the present invention differs from Kuchta in mechanical configuration and cannot be easily anticipated by or derived from Kuchta and other references.

The fixed head pipe and the pivotally supported stay and saddle post are specific limitations in amended claim 1 which are not found in Kuchta, wherefor Kuchta cannot support a rejection under 35 U.S.C. 102(b). Thus, applicant respectfully requests that this

rejection be withdrawn.

Claim Rejections - 35 USC § 103

The Examiner rejects claim 7 under 35 U.S.C. 103(a) as being unpatentable over Kuchta in view of Remiller, WO 02/49908. Applicant herein cancels claim 7.

The Examiner rejects claim 10 under 35 U.S.C. 103(a) as being unpatentable over Kuchta in view of Irlbacher, U.S. Patent No. 6,695,334. The Examiner states that Kuchta discloses a folding bicycle comprising all elements as claimed, except for front and rear brakes, each having a brake shoe for contacting the wheel from the outside as claimed, and that Irlbacher discloses that it is known in the art to provide a folding bicycle with front and rear brakes having all elements applicant has claimed. Applicant respectfully traverses this rejection.

Applicant herein amended claim 1 to include features not found in Kuchta, as discussed above. Thus, applicant respectfully states that Kuchta in view of Irlbacher does not anticipate applicant's invention and respectfully requests that this rejection of claim 10 be withdrawn.

Allowable Subject Matter

Applicant appreciates that the Examiner found claim 8 to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended claim 1 herein and believes that this amended claim 1, from which claim 8 depends, is allowable so that claim 8 would be allowable in its present form.

Conclusion

It is respectfully submitted that the application is now in condition for allowance, and such action is requested. No new matter has been added. The examiner is invited to telephone the undersigned if there are any matters which could be discussed to expedite the prosecution of the above-identified application.

Respectfully submitted,



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